

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
ABERDEEN DIVISION

ALEESA JONES

PLAINTIFF

V.

CIVIL ACTION NO.: 1:14CV163-SA-DAS

SHELTER MUTUAL INSURANCE COMPANY

DEFENDANT

MEMORANDUM OPINION

Defendant Shelter Mutual Insurance Company filed a Motion to Dismiss for lack of prosecution against the sole remaining Plaintiff, Aleesa Jones. Jones failed to respond.

This cause was removed to this Court in September of 2014. During the pendency of this lawsuit, separate counsel for the two married plaintiffs was deemed necessary. On September 3, 2015, the Motion to Withdraw as Attorney for Aleesa Jones was granted [25], and Jones was given twenty-one days to notify the court of her intent to represent herself or have another attorney enter an appearance on her behalf. No such notice was made to the Court.

The Court scheduled a telephone conference in February to assess Plaintiff's situation but Plaintiff failed to initiate the telephone conference. An Order to Show Cause was entered [33] on February 12, 2016. That Order required Aleesa Jones to show cause as to "why the court should not dismiss this action." That response was due within fourteen days. No response was made to the Court.

Defendant now seeks dismissal of this cause of action under Federal Rule of Civil Procedure 41. Rule 41(b) allows a defendant to move for dismissal of an action "[i]f the plaintiff fails to prosecute or to comply with these rules or a court order" A dismissal under this Rule acts as an adjudication on the merits.

Aleesa Jones has both failed to prosecute her case by not initiating a telephonic conference necessary for the case management, as well as failed to comply with an order of the court by not responding to the Order to Show Cause. Aleesa Jones has, therefore, failed to prosecute this case as required by the Federal Rules of Civil Procedure. Accordingly, this case shall be dismissed with prejudice.

SO ORDERED, this the 18th day of May, 2016.

/s/ Sharion Aycock
U.S. DISTRICT JUDGE